

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

WSOU INVESTMENTS, LLC D/B/A	§	
BRAZOS LICENSING AND	§	CIVIL ACTION 6:20-cv-00980-ADA
DEVELOPMENT,	§	CIVIL ACTION 6:20-cv-00981-ADA
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
CANON, INC.,	§	
<i>Defendant.</i>	§	
	§	

**DECLARATION OF JONATHAN K. WALDROP IN SUPPORT OF
PLAINTIFF WSOU INVESTMENTS, LLC'S DEVELOPMENT' S RESPONSIVE
CLAIM CONSTRUCTION BRIEF**

I, Jonathan K. Waldrop, declare as follows:

1. I am a Partner with the law firm of Kasowitz Benson Torres LLP and am one of the attorneys responsible for the representation of Plaintiff WSOU Investments, LLC d/b/a Brazos Licensing and Development (“WSOU” or “Plaintiff”) in this matter. I make this declaration in support of Plaintiff WSOU’s Development Responsive Claim Construction Brief.

2. If called to testify under oath in court, I could and would testify competently to the facts stated herein.

3. Attached hereto as Exhibit 1 is a true and correct copy of the U.S. Patent No. 7,054,346, dated May 30, 2006 (“Balachandran et al.”) bearing production numbers WSOU-CANON-0000001 - WSOU-CANON-0000012.

4. Attached hereto as Exhibit 2 is a true and correct copy of the U.S. Patent No. 7,116,714, dated October 3, 2006 (“Hannuksela”) bearing production numbers WSOU-CANON-

0000358 - WSOU-CANON-0000374.

5. Exhibit 3 is Intentionally Left Blank.
6. Attached hereto as Exhibit 4 is a true and correct copy of the originally filed claims, dated May 7, 2001, an excerpt from the file history of U.S. Patent No. 7,054,346 bearing production numbers WSOU-CANON-0000060 - WSOU-CANON-0000064.
7. Attached hereto as Exhibit 5 is a true and correct copy of the Office Action Summary, dated May 20, 2004, an excerpt from the file history of U.S. Patent No. 7,054,346 bearing production numbers WSOU-CANON-0000220 - WSOU-CANON-0000231.
8. Attached hereto as Exhibit 6 is a true and correct copy of the U.S. Patent No. 4,654,859, dated March 31, 1987 ("Kung").
9. Attached hereto as Exhibit 7 is a true and correct copy of the U.S. Patent No. 5,541,954, dated July 30, 1996 ("Emi").
10. Attached hereto as Exhibit 8 is a true and correct copy of the Amendment and Response, dated August 16, 2004, an excerpt from the file history of U.S. Patent No. 7,054,346 bearing production numbers WSOU-CANON-0000235 - WSOU-CANON-0000247.
11. Attached hereto as Exhibit 9 is a true and correct copy of the Office Action Summary, dated January 7, 2005, an excerpt from the file history of U.S. Patent No. 7,054,346 bearing production numbers WSOU-CANON-0000253 - WSOU-CANON-0000262.
12. Attached hereto as Exhibit 10 is a true and correct copy of the U.S. Patent No. 5,377,221, dated December 27, 1994 ("Munday").
13. Attached hereto as Exhibit 11 is a true and correct copy of the U.S. Patent No. 6,345,066, dated February 5, 2002 ("Haartsen").
14. Attached hereto as Exhibit 12 is a true and correct copy of the Request for

Reconsideration, dated April 5, 2005, an excerpt from the file history of U.S. Patent No. 7,054,346 bearing production numbers WSOU-CANON-0000265 - WSOU-CANON-0000277.

15. Attached hereto as Exhibit 13 is a true and correct copy of the Notice of Allowability, dated December 15, 2005, an excerpt from the file history of U.S. Patent No. 7,054,346 bearing production numbers WSOU-CANON-0000341 - WSOU-CANON-0000353.

16. Attached hereto as Exhibit 14 is a true and correct copy of the Brief of Appeal on behalf of Appellant, dated April 29, 2005, an excerpt from the file history of U.S. Patent No. 7,054,346 bearing production numbers WSOU-CANON-0000285 - WSOU-CANON-0000319.

17. Attached hereto as Exhibit 15 is a true and correct copy of the Ling Q., Li T., and Ding Z., "A Novel Concept: Message Driven Frequency Hopping (MDFH)," 2007 IEEE International Conference on Communications, Glasgow, Scotland, 24-28 June 2007, pp. 5496-5501.

18. Attached hereto as Exhibit 16 is a true and correct copy of the Amendment and Response, dated July 15, 2005, an excerpt from the file history of U.S. Patent No. 7,0116,714 bearing production numbers WSOU-CANON-0000535 - WSOU-CANON-0000550.

19. Attached hereto as Exhibit 17 is a true and correct copy of the Final rejection, dated September 30, 2005, an excerpt from the file history of U.S. Patent No. 7,0116,714 bearing production numbers WSOU-CANON-0000558 - WSOU-CANON-0000566.

20. Attached hereto as Exhibit 18 is a true and correct copy of Canon's Preliminary Invalidity Contentions in case no. 20-cv-981, dated July 7, 2021.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief, formed after reasonable inquiry under the circumstances.

Executed on the September 15, 2021 in San Mateo, California.

/s/ Jonathan K. Waldrop
Jonathan K. Waldrop